



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, March 6, 2017

5:30 PM

2nd Floor Conference Room

City Manager's Agenda Review

1. CALL TO ORDER:

The meeting was called to order by Mayor Masiarczyk at 5:30 p.m.

2. ROLL CALL – CITY CLERK:

Present: 9 - Commissioner Alcantara
Commissioner Bradford
Commissioner Herzberg
Commissioner Honaker
Commissioner Soukup
Vice Mayor Nabicht
Mayor Masiarczyk
City Manager Shang
City Attorney

3. INVOCATION AND PLEDGE TO THE FLAG:

Mayor Masiarczyk led the Pledge to the Flag.

Commissioner Alcantara arrived at 5:35 p.m.

A. Silent Invocation Presented by Commissioner Honaker

Commissioner Honaker stated he will lead a silent invocation.

4. APPROVAL OF MINUTES & AGENDA:

A. Approval of minutes - Regular Commission Meeting of February 20, 2017, as presented. - Joyce Raftery, City Clerk (386) 878-8502.

There were no comments regarding the minutes from the February 20, 2017.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Super Star Student of the Month Certificates for February 2017

Mayor Masiarczyk introduced Interim City Attorney Skip Fowler and he welcomed Mr.

Fowler back.

Mayor Masiarczyk stated after the Super Stars Presentations we have a special video that will be shown by Deltona Middle School. Mr. Mayes explained that Deltona Middle school had mailed a package and a letter to our troops in Iraq and Afghanistan at Christmas time and they received a reply back from a Chief Master Sargent who was serving in Afghanistan thanking the students for the letter, a recorded a video and a Challenge Coin.

There were no other comments on this item.

B. Presentation - Certificate of Recognition to Pine Ridge High School Girls Soccer Varsity Team.

Mayor Masiarczyk stated next there is a presentation to the Pine Ridge High School Girls Soccer Team and he asked Commissioner Soukup to make that presentation. Commissioner Soukup responded he would make the presentation and that the team went to the Sweet Sixteen Playoffs.

C. Presentation - Certificate of Recognition to West Volusia Wolves JV Cheer Team.

Mayor Masiarczyk stated next we have a presentation for the West Volusia Wolves JV Cheer Team and he asked Commissioner Herzberg if she wanted to make the presentation. Commissioner Herzberg responded she would.

6. CITY COMMISSION SPECIAL REPORTS:

Mayor Masiarczyk asked if there were any Commission Special Reports tonight. Vice Mayor Nabicht responded he had the Transportation Planning Authority (TPO) meeting report which will be in three (3) phases and his report will take about 7-8 minutes.

Commissioner Honaker stated he would have a couple of topics to bring up, 1) sidewalks on Timberlake and 2) Sunshine Law violations. City Manager Shang responded there will be public comment tonight on the sidewalk issue. After discussion it was determined that the sidewalk topic would be discussed under Old Business.

Commissioner Honaker stated he will comment on the Sunshine Law violations under Commission Comments.

There were no other comments on this item.

7. PUBLIC FORUM: - Citizen comments limited to items not on the agenda and comments on items listed on the agenda will take place after discussion of each item.

CONSENT AGENDA: The consent agenda contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Commission wish to speak on a consent item, they have the same opportunity.

8. CONSENT AGENDA:

There were no items on the Consent Agenda.

9. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 29-2016, Amending Chapter 102, Signs, of the Land Development Code, at first reading - Chris Bowley, AICP, Director, Planning & Development Services, (386) 878-8602.

Strategic Goal: Public Safety - Sign ordinance amendment/rewrite the sign code.

Mayor Masiarczyk stated the next Item 9 - A is the first reading for the sign ordinance. Mr. Fowler suggested he had about 10 minutes to look at the sign ordinance and he suspected that he will have a suggested change to the ordinance between the first and second reading to make certain the ordinance stays on the right side of the Supreme Court. Commissioner Alcantara asked if Mr. Fowler can fill the Commission in on what he is alluding to. Mr. Fowler explained that the court has said that you cannot regulate content meaning what the sign says is immaterial and the ordinance says these types of signs can be here for instance "Political Signs" which is based on its content and you cannot do that. He stated you can regulate the size, square footage and placement but not on the content on the sign such as advertising political or public record. Commissioner Bradford asked if the Commission could pass the ordinance at first reading and then have the change(s) for the second reading.

City Manager Shang stated she believed the sign ordinance was content neutral and Mr. Fowler responded he just used political signs as an example however, he needs to go through the ordinance.

Mayor Masiarczyk stated we need to have this discussion downstairs and then Mr. Fowler can look at it. Mr. Fowler stated he will be looking at the ordinance for that one (1) element.

There were no other questions or comments on this item.

10. OLD BUSINESS:

Mayor Masiarczyk stated we now have sidewalks under Old Business that Commissioner Honaker wanted to bring up for discussion.

11. NEW BUSINESS:

A. Consideration of appointments or re-appointments of four (4) members to the Planning and Zoning Advisory Board - Joyce Raftery, City Clerk (386) 878-8502.

Strategic Goal: Internal and external communication.

Mayor Masiarczyk stated the next item is the appointment/reappointment of four (4) members to the Planning & Zoning Board. He stated those appointments/reappointments are listed and he asked if the Commissioners with appointments were ready.

Commissioner Alcantara stated he had an applicant that was not listed.

There were no other comments on this item.

B. Request for approval to demolish City owned property located at 1221 Abigail Drive, Deltona, FL - Dale Baker, Building and Enforcement Services Director (386) 878-8852

Strategic Goal: Beautification and Public Safety

Mayor Masiarczyk stated the next item is a request for approval to demolish City owned property located at 1221 Abigail Drive and he explained this property is the one (1) that is a training site for the Fire Department and the Volusia County Sheriffs' Office (VCSO).

There were no other comments on this item.

C. Budgeting for non-profit funding requests - Jane Shang, City Manager. (386) 878-8850.

Strategic Goal: Provide and support social services in the Community.

Mayor Masiarczyk stated the next item is regarding non-profit funding requests and City Manager Shang made a recommendation as the City had not been totally fair to the public and there was some disagreement among the Commissioners so, this should clean that up. He stated also there is a second part regarding discussion of the DeLand Neighborhood Center proposal asking for a pledge of funds for support from the City.

He stated the City can offer a pledge for five (5) but not a guarantee as it would depend on the budget each year. He added the issue is the City of DeLand would like to have a number now for planning purposes.

There were no other comments on this item.

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

City Manager Shang stated she was asked for dates to have an Economic Development Public Forum and she gave several dates. After discussion it was determined that the March 29th date from 6:00 p.m. - 8:00 p.m. would work. She stated also she would like to schedule a Parks Capital Improvements Program (CIP) Public Forum and she suggested we could utilize the April 24th regular workshop meeting from 6:00 p.m. - 8:00 p.m. She asked if the Commission was okay with those dates and everyone responded "yes". Mayor Masiarczyk asked that a copy of the Comp Plan with the numbers of acres be available in case someone asks a question.

Mr. Doan stated he had received an email invitation from the Department of Environmental Protection (DEP) for March 15th for a demonstration on the Onsite Sewage Treatment and Disposal Systems (OSTDS's) which are the advanced septic tanks in Lake Alfred in Polk County with a guided tour at noon. He stated it is the morning of the trail ribbon cutting so if you plan to attend that you probably will not be able to do both. He believes the meeting was properly noticed and he stated he will arrange transportation if needed. Mayor Masiarczyk stated it would be good if we could get a video.

There were no other comments on this item.

14. CITY COMMISSION COMMENTS:

Commissioner Alcantara stated not to bash anyone but at the last Regular Commission Meeting when he was speaking he was interrupted. He stated it was mentioned that Commission Comments was for announcements and the likes or can a Commissioner say whatever he wants to say. Mayor Masiarczyk asked what he meant by "say whatever he wants"; if it is a presentation you should ask to have it placed on the agenda. Commissioner Alcantara responded by asking if he was out of line when he spoke about City Manager Shang's inexperience. He stated if there is an issue with when he communicates things then where can he talk about things in a meeting if not under Commission Comments. Mayor Masiarczyk responded it is up to the seven (7) Commissioners how we operate, we should operate under some sort of rules and whenever those rules are established, we should all follow them until they are changed. He suggested Workshops would be a good time and could be productive but with the Workshops being downstairs the minute something is brought up then someone wants to answer back and that is where the interruption comes because you have this dying need to say something about the way you feel and he suggested that topic would not be

appropriate under Commission Comments. Commissioner Alcantara stated he just wanted to give everyone a heads-up that there will be times he will bring things up and he does not want to be disrespected by the interruptions.

Commissioner Honaker stated his topic is on Sunshine Law and that will be under Commission Comments. Mayor Masiarczyk responded we need to have a meeting like the one (1) that was planned on the Commission's ability to work together on those rules and procedures that we will need to follow during meetings. He stated he has been trying to get that and he is glad Commissioner Alcantara is here tonight because sometimes things are brought up and you miss them if you are not at the meeting. He stated the Commission decided to have the workshop meetings downstairs and he has to follow that, he has no button, he cannot even interject when he wants to so, he has to interrupt to have some order. Commissioner Honaker responded that is why he interrupted Commissioner Alcantara with a Point of Order. Mayor Masiarczyk suggested Commissioner Alcantara work out his concerns with the City Manager and then bring them to the Commission at a workshop, that is where we talk about things and come up with a plan. He stated we do not allow Public Participation during workshops, we should be there just to discuss City business then let the public talk about that issue only and not everything else as it fogs the issue.

Commissioner Soukup suggested it cannot be all fluff during Commission Comments and Commissioner Alcantara asked that Commission comments be moved closer to the beginning of the meeting so there are more people in the public.

Commissioner Herzberg stated we need to go ahead and reschedule the meeting regarding the Commission Operating Guidelines and Meeting Policies and Procedures. After discussion it was determined that topic would be scheduled for Monday, March 13th at 5:30 p.m. Commissioner Soukup stated he will not be at the meeting and Mayor Masiarczyk suggested he write down his concerns and forward them to the City Manager to distribute at that meeting.

Commissioner Bradford stated she was glad this topic was brought up because she had three (3) topics she wanted to make a motion on so when do we do that. She stated the Commission had discussed adding a section in the beginning of the meeting where a Commissioner could make a motion and according to what we have currently unless it is something that requires research or information we were going to allow it to be brought up. Mayor Masiarczyk responded you can bring up any topic you would like to agenda and that would give staff a chance to have the information provided unless you are just going to vent stuff.

Commissioner Soukup stated he is not sure what we are doing and in a perfect world all seven (7) Commissioners would receive the same information but that is not happening and there is no great communication line. He stated we need our time to get our stuff out whether it is during Commission Comments or some other time. Mayor Masiarczyk stated next week we can adjust whatever rules you want however, you cannot run a meeting without some kind of rules. Commissioner Soukup stated right now he wants to have something put on the agenda so, when can he do that and Mayor Masiarczyk

responded that as he understands the rules in place you can bring up a topic and if the topic is supported by four (4) members of the Commission you can bring it up at almost any time. Several Commissioners commented that has not been agreed upon yet and Vice Mayor Nabicht clarified that currently it is under Commission Comments. Mayor Masiarczyk added that does not mean you debate the issue, it means you bring it up and if there is a consensus to move forward we do and if there is no consensus you just drop it.

Vice Mayor Nabicht stated that Commission Comments are just that and not something that is meant to become an actionable item. He stated if it is something and this can be discussed when we discuss policies and procedures a simple fix would be to add a line item on the regular Commission Agenda someplace and he suggested it could be "Commissioners Request for Future Agenda Items" or something like that. He stated if it becomes an actionable item requiring a decision and not just a request for information that would be the place to do that and then it would get a motion, a second and a vote to be put on a future agenda.

Mayor Masiarczyk stated the Commission talked about this at one (1) of the meetings and the Commission said that when we have the policies and procedure meeting we would change it. He stated one (1) suggestion was "City Commission Special Reports and Requests" and that is a point to bring up at that meeting. Vice Mayor Nabicht added by putting it there it gives staff time to gather information if needed or if it is something that can be looked up with a little computer work right then it may be able to be addressed that evening and he gave several examples.

Commissioner Honaker stated there was an item on the agenda "Additions/Deletions to the Agenda" but it was removed and Mayor Masiarczyk responded that verbiage was removed because, it was being used to bring up topics that no one had any information on and then have discussion. Commissioner Honaker stated now that could be used to say "I want to bring up an agenda item in the future". Commissioner Herzberg responded the reason it was removed from the agenda was that the Commission did not feel there was adequate public notice made for discussion of those items so, the Commission has to decide at what point do we cross that line again and have the public say the item was not properly noticed, they would have wanted to comment on the item but, they did not know it was added onto the agenda for that meeting so they did not come.

Mayor Masiarczyk stated he was glad this was brought up but, the problem is we do not have this kind of discussion in the workshops downstairs because up on the dais you do not see everyone and he thinks the Commission needs to rethink how the Commission does workshops or does the Commission just come up with a new meeting name and procedure so the Commission can just talk.

There were no other comments.

15. ADJOURNMENT:

There being no further business the meeting was adjourned by Mayor Masiarczyk at 6:06 p.m.

Janet Day, Deputy City Clerk